

Summary of Laws and Regulation for Hazardous Material Area Plans

(Effective Date: August 5, 2010)

The California Emergency Management Agency (Cal EMA) has compiled this summary to consolidate the legal requirements for Hazardous Material Area Plans in one document.

This document is intended to be used as a reference only. The official statutory and regulatory requirements can be accessed at:

Statute: www.leginfo.ca.gov

Regulations: <http://ccr.oal.ca.gov/>

Section 1 of this document contains excerpts from the California Health and Safety Code (HSC), Sections 25500 – 25520. Section 2 contains excerpts from Title 19, California Code of Regulations, Sections 2720 – 2728.

If you have any questions about Hazardous Material Area Plans, please contact the Cal EMA, Fire and Rescue Division, Hazardous Materials Section.

Section 1

Statutory Requirements for Hazardous Material Area Plans

Excerpts from: CALIFORNIA CODES
HEALTH AND SAFETY CODE
SECTION 25500-25520

Legislative Intent

25500. The Legislature declares that, in order to protect the public health and safety and the environment, it is necessary to establish business and area plans relating to the handling and release or threatened release of hazardous materials. The establishment of minimum statewide standards for these plans is a statewide concern. Basic information on the location, type, quantity, and the health risks of hazardous materials handled, used, stored, or disposed of in the state, which could be accidentally released into the environment, is not now available to firefighters, health officials, planners, public safety officers, health care providers, regulatory agencies, and other interested persons. The information provided by business and area plans is necessary in order to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace and environment.

The Legislature further finds and declares that this chapter does not occupy the whole area of regulating the inventorying of hazardous materials and the preparation of hazardous materials response plans by businesses and the Legislature does not intend to preempt any local actions, ordinances, or regulations which impose additional or more stringent requirements on businesses which handle hazardous materials. Thus, in enacting this chapter, it is not the intent of the Legislature to preempt or otherwise nullify any other statute or local ordinances containing the same or greater standards and protections.

25518. This chapter shall be construed liberally so as to accomplish the intent of the Legislature in protecting the public health and safety and the environment.

Definitions

25501. Unless the context indicates otherwise, the following definitions govern the construction of this chapter:

(a) "Administering agency" means the local agency authorized, pursuant to Section 25502, to implement and enforce this chapter.

(c) "Area plan" means a plan established pursuant to Section 25503 by an administering agency for emergency response to a release or threatened release of a hazardous material within a city or county.

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(d) "Business" means an employer, self-employed individual, trust, firm, joint stock company, corporation, partnership, or association. For purposes of this chapter, "business" includes a business organized for profit and a nonprofit business.

(e) "Business plan" means a separate plan for each facility, site, or branch of a business that meets the requirements of Section 25504.

(g) (1) "Certified Unified Program Agency" or "CUPA" means the agency certified by the secretary to implement the unified program specified in Chapter 6.11 (commencing with Section 25404) within a jurisdiction.

(2) "Participating Agency" or "PA" means an agency that has a written agreement with the CUPA pursuant to subdivision (d) of Section 25404.3, and is approved by the secretary, to implement or enforce one or more of the unified program elements specified in paragraphs (4) and (5) of subdivision (c) of Section 25404, in accordance with the provisions of Sections 25404.1 and 25404.2.

(3) "Unified Program Agency" or "UPA" means the CUPA, or its participating agencies to the extent each PA has been designated by the CUPA, pursuant to a written agreement, to implement or enforce a particular unified program element specified in paragraphs (4) and (5) of subdivision (c) of Section 25404. For purposes of this chapter, the UPAs have the responsibility and authority, to the extent provided by this chapter and Sections 25404.1 and 25404.2, to implement and enforce only those requirements of this chapter listed in paragraphs (4) and (5) of subdivision (c) of Section 25404. The UPAs also have the responsibility and authority, to the extent provided by this chapter and Sections 25404.1 and 25404.2, to implement and enforce the regulations adopted to implement the requirements of this chapter listed in paragraphs (4) and (5) of subdivision (c) of Section 25404. After a CUPA has been certified by the secretary, the unified program agencies shall be the only local agencies authorized to enforce the requirements of this chapter listed in paragraphs (4) and (5) of subdivision (c) of Section 25404 within the jurisdiction of the CUPA.

(l) "Emergency rescue personnel" means any public employee, including, but not limited to, any fireman, firefighter, or emergency rescue personnel, as defined in Section 245.1 of the Penal Code, or personnel of a local EMS agency, as designated pursuant to Section 1797.200, or a poison control center, as defined by Section 1797.97, who responds to any condition caused, in whole or in part, by a hazardous material that jeopardizes, or could jeopardize, public health or safety or the environment.

(m) "Handle" means to use, generate, process, produce, package, treat, store, emit, discharge, or dispose of a hazardous material in any fashion.

(n) "Handler" means any business that handles a hazardous material.

(o) "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

(p) "Hazardous substance" means any substance or chemical product for which one of the following applies:

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(1) The manufacturer or producer is required to prepare a MSDS for the substance or product pursuant to the Hazardous Substances Information and Training Act (Chapter 2.5 (commencing with Section 6360) of Part 1 of Division 5 of the Labor Code) or pursuant to any applicable federal law or regulation.

(2) The substance is listed as a radioactive material in Appendix B of Chapter 1 of Title 10 of the Code of Federal Regulations, maintained and updated by the Nuclear Regulatory Commission.

(3) The substances listed pursuant to Title 49 of the Code of Federal Regulations.

(4) The materials listed in subdivision (b) of Section 6382 of the Labor Code.

(q) "Hazardous waste" means hazardous waste, as defined by Sections 25115, 25117, and 25316.

(r) "Office" means the California Emergency Management Agency.

(s) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, unless permitted or authorized by a regulatory agency.

(t) "Secretary" means the Secretary for Environmental Protection.

(v) "Threatened release" means a condition creating a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment.

(x) "Unified Program Facility" means all contiguous land and structures, other appurtenances, and improvements on the land that are subject to the requirements of paragraphs (4) and (5) of subdivision (c) of Section 25404.

25501.1. Notwithstanding Section 25501, for purposes of this chapter, a hazardous substance specified in paragraph (3) of subdivision (k) of Section 25501 means those hazardous materials or substances listed in Parts 172 and 173 of Title 49 of the Code of Federal Regulations.

25501.2. For purposes of the inventory requirements of this chapter, "store," as used in subdivision (i) of Section 25501, does not include the storage of hazardous materials which are in transit or which are temporarily maintained in a fixed facility for a period of less than 30 days during the course of transportation.

25501.3. "Handle" also means the use or potential for use of a quantity of hazardous material by the connection of any marine vessel, tank vehicle, tank car, or container to a system or process for any purpose other than the immediate transfer to or from an approved atmospheric tank or approved portable tank.

25501.4. Notwithstanding subdivision (d) of Section 25501, "business" also includes all of the following:

(a) The federal government, to the extent authorized by federal law.

(b) Any agency, department, office, board, commission, or bureau of state government, including, but not limited to, the campuses of the California Community Colleges, the California State University, and the University of California.

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(c) Any agency, department, office, board, commission, or bureau of a city, county or district.

Implementing Agency

25502. (a) (1) This chapter, as it pertains to the handling of hazardous material, shall be implemented by one of the following:

(A) If there is a CUPA, the Unified Program Agency.

(B) If there is no CUPA, the agency authorized pursuant to subdivision (f) of Section 25404.3.

(2) The agency responsible for implementing this chapter shall ensure full access to, and the availability of, information submitted under this chapter to emergency rescue personnel and other appropriate governmental entities within its jurisdiction.

(b) (1) If there is no CUPA, a city may, by ordinance or resolution, assume responsibility for the implementation of this chapter and, if so, shall have exclusive jurisdiction within the boundary of the city for the purposes of carrying out this chapter. The ordinance shall require that a person who violates Section 25507 shall be subject to the penalties specified in Section 25515. A city that assumes responsibility for implementation of this chapter shall provide notice of its ordinance or resolution to the office and to the administering agency of its county. It shall also consult with, and coordinate its activities with, the county in which the city is located to avoid duplicating efforts or any misunderstandings regarding the areas, duties, and responsibilities of each administering agency.

(2) A city may not assume responsibility for the implementation of this chapter unless it has enacted an implementing ordinance or adopted an implementing resolution not later than 60 days after the office adopts regulations pursuant to Section 25503, except that a city may enact an implementing ordinance or adopt an implementing resolution after this 60-day period, if it has an agreement with the county to do so. A new city has one year from the date of incorporation to enact an ordinance or adopt a resolution implementing this chapter.

(3) The agency responsible for administering and enforcing this chapter shall be the agency so authorized pursuant to subdivision (f) of Section 25404.3.

(c) If there is no CUPA, the county and any city that assume responsibility pursuant to subdivision (b) shall designate a department, office, or other agency of the county or city, as the case may be, or the city or county may designate a fire district, as the administering agency responsible for administering and enforcing this chapter. The county and any city that assume responsibility pursuant to subdivision (b) shall notify the office immediately upon making a designation. The agency responsible for administering and enforcing this chapter shall be the agency so authorized pursuant to subdivision (f) of Section 25404.3.

Regulation Authority

25503. (a) Not later than September 1, 1986, the office shall adopt, after public hearing and consultation with the office of the State Fire Marshal and other appropriate public entities, regulations for minimum standards for business plans and area plans. All business plans and area plans shall meet the standards adopted by the office.

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(b) The standards for business plans in the regulations adopted pursuant to subdivision (a) shall do all of the following:

- (1) Set forth minimum requirements of adequacy, and not preclude the imposition of additional or more stringent requirements by local government.
- (2) Take into consideration and adjust for the size and nature of the business, the proximity of the business to residential areas and other populations, and the nature of the damage potential of its hazardous materials in establishing standards for subdivisions (b) and (c) of Section 25504.
- (3) Take into account the existence of local area and business plans which meet the requirements of this chapter so as to minimize the duplication of local efforts, consistent with the objectives of this chapter.
- (4) Define what releases and threatened releases are required to be reported pursuant to Section 25507. The office shall consider the existing federal reporting requirements in determining a definition of reporting releases pursuant to Section 25507.

Area Plan Contents

25503. (c) An administering agency shall establish an area plan for emergency response to a release or threatened release of a hazardous material within its jurisdiction. An area plan is not a statute, ordinance, or regulation for purposes of Section 669 of the Evidence Code. The standards for area plans in the regulations adopted pursuant to subdivision (a) shall provide for all of the following:

- (1) Procedures and protocols for emergency rescue personnel, including the safety and health of those personnel.
- (2) Preemergency planning.
- (3) Notification and coordination of onsite activities with state, local, and federal agencies, responsible parties, and special districts.
- (4) Training of appropriate employees.
- (5) Onsite public safety and information.
- (6) Required supplies and equipment.
- (7) Access to emergency response contractors and hazardous waste disposal sites.
- (8) Incident critique and followup.
- (9) Requirements for notification to the office of reports made pursuant to Section 25507.

Area Plan Submittal, Review, and Updates

25503. (d) The administering agency shall submit a copy of its proposed area plan, within 180 days after adoption of regulations by the office establishing area plan standards, to the office for review. The office shall notify the administering agency as to whether the area plan is adequate and meets the area plan standards. The administering agency shall within 45 days of this notice submit a corrected area plan.

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The administering agency shall certify to the office every three years that it has conducted a complete review of its area plan and has made any necessary revisions. Any time an administering agency makes any substantial changes to its area plan, it shall forward the changes to the office within 14 days after the changes have been made.

Model Reporting Form

25503. (f) The regulations adopted by the office pursuant to subdivision (a) shall include an optional model reporting form for business and area plans.

Local Government Fees

25513. Each administering county or city may, upon a majority vote of the governing body, adopt a schedule of fees to be collected from each business required to submit a business plan pursuant to this article which is within its jurisdiction. The governing body may provide for the waiver of fees when a business, as defined in Section 25501.4, submits a business plan. The fee shall be set in an amount sufficient to pay only those costs incurred by the county, city, or fire district, in carrying out this article. In determining the fee schedule, the administering agency shall consider the volume and degree of hazard potential of the hazardous materials handled by the businesses subject to this article.

Severable Provisions

25519. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to that end the provisions of this chapter are severable.

Section 2

Regulatory Requirements for Hazardous Material Area Plans

Excerpts from: CALIFORNIA CODE OF REGULATIONS

Title 19. Public Safety

Division 2. California Emergency Management Agency

Chapter 4. Hazardous Material Release Reporting, Inventory, and
Response Plans

Article 1. Definitions

Article 3. Minimum Standards for Area Plans

Article 1. Definitions

Section 2660. Pesticide Drift Exposure Incident.

“Pesticide drift exposure incident” means an unintended airborne transport of a pesticide to non-target areas, potentially resulting in exposures that could affect public health and safety and the environment. For the purposes of this Chapter, the term “pesticide” has the same meaning as “pesticide”, as defined in the Food and Agricultural Code, Section 12753.

NOTE: Authority cited: Section 25503, Health and Safety Code, Section 12997.7, Food and Agricultural Code. Reference: Sections 12753 and 12997.7, Food and Agricultural Code.

Article 3. Minimum Standards for Area Plans

Section 2720. Proposed Area Plans.

The proposed area plan, as required by Section 25503(d) of the Health and Safety Code, shall include:

- (a) a description of the extent to which the administering agency has met the requirements of this Article, and a schedule for implementing the final area plan, by December 29, 1987, to include the provisions of Sections 2722-2736 of this Article;
- (b) provisions for integrating, in the final area plan, information from business plans submitted by handlers within the jurisdiction of an administering agency;
- (c) protocols for responses to pesticide drift exposure incidents; and

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- (d) a form providing information on the elements within the area plan, substantially equivalent to the following optional model reporting form for area plans.

NOTE: Authority cited: Sections 25503 and 25517.5, Health and Safety Code, Section 12997.7, Food and Agricultural Code. Reference: Section 25503, Health and Safety Code, Section 12997.7, Food and Agricultural Code.

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OPTIONAL MODEL REPORTING FORM – AREA PLAN

CHECKLIST for AREA PLAN ELEMENT and reference section	ELEMENT LOCATION	ELEMENT NOT PROVIDED, JUSTIFICATION ATTACHED	PROPOSED DATE FOR COMPLETION
Section 2660 – Pesticide Drift Exposure Incident			
Section 2722 – Emergency Response Procedures			
Approach, Recognition, and Evacuation			
Personnel Monitoring and Decontamination			
Equipment Monitoring and Decontamination			
Section 2723 – Pre-Emergency Planning			
Pre-incident Site Surveys			
Planning and Coordination			
Emergency Funding Access			
Disposal Facility Access			
Emergency Response Contractor Access			
Integrated Response Management System			
Section 2724 – Notification and Coordination			
Notification and Coordination			
Emergency Communications			
Responsibility Matrix			
Cal EMA Notification			
Section 2725 – Training			
Emergency Response Personnel Training			
Training Documentation			
Training Exercises			
Section 2726 – Public Safety and Information			
Site Perimeter Security			
Safety Procedure Information			
Information Release Responsibility			
Medical Notification			
Evacuation Plans			
Section 2727 – Supplies and Equipment			
Listing and Description			
Testing and Maintenance			
Section 2728 – Incident Critique and Follow-up			

Section 2722. Procedures and Protocols for Emergency Rescue Personnel.

Area plans shall include procedures and protocols to ensure the health and safety of emergency response personnel, such as, but not limited to:

- (a) guidelines for approach, recognition, and evaluation of releases and threatened releases of hazardous materials by emergency response personnel; and
- (b) monitoring and decontamination guidelines for emergency response personnel and equipment.

NOTE: Authority cited: Section 25503, Health and Safety Code. Reference: Section 25503, Health and Safety Code.

Section 2723. Pre-Emergency Planning.

Area plans shall include, but not be limited to:

- (a) provisions for pre-incident surveys of business sites by first responders for the purpose of site familiarization, if deemed necessary by the administering agency;
- (b) provisions for pre-emergency planning and coordination among emergency responders within the jurisdiction of an administering agency. Pre-emergency planning shall include coordination of emergency response and emergency assistance between contiguous jurisdictions;
- (c) procedures to access local, state and federal funding and emergency response assistance;
- (d) procedures, developed in consultation with the Local Health Officer, to inform medical providers regarding eligibility for reimbursement pursuant to Section 12997.5 of the Food and Agricultural Code, where applicable;
- (e) provisions for access to state approved and permitted hazardous waste disposal facilities and emergency response contractors;
- (f) development of an integrated response management system providing standardized organizational structure, terminology, and procedures for use during any release or threatened release of hazardous materials, to include pesticide drift exposure incidents. The administering agency shall incorporate into the area plan specific agency roles within the Standardized Emergency Management System, including procedures for agency notification and responsibility for public safety and information pursuant to Section 2726 for all emergency responses, to include pesticide drift exposure incidents. The administering agency shall consult with the County Agricultural Commissioner and the Local Health Officer when incorporating

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their statutory duties into a pesticide drift response, and when assigning other specific agency responsibilities for pesticide drift exposure incidents; and

- (g) procedures, established in consultation with the County Agricultural Commissioner and the Local Health Officer, with assistance from the Department of Pesticide Regulation, to provide immediate access to pesticide-specific information for responders to pesticide releases. This information will assist emergency response and emergency medical services personnel in identifying and characterizing any pesticides which have the potential to come into contact with one or more individuals as the result of a pesticide drift exposure incident within the jurisdiction.

NOTE: Authority cited: Section 25503, Health and Safety Code; Sections 12997.7(b)(1), 12997.7(b)(2) and 12997.7(b)(6), Food and Agricultural Code. Reference: Section 25503, Health and Safety Code; Section 12997.7, Food and Agricultural Code.

Section 2724. Notification and Coordination.

Area plans shall include, but not be limited to:

- (a) provisions for notification of, and coordination with, emergency response personnel, such as, but not limited to, law enforcement, fire service, medical and public health services, poison control centers, hospitals, and resources for the evacuation, reception and care of evacuated persons;
- (b) identification and utilization of alternative forms of emergency communications (such as amateur radio services), in the event of a loss of primary communications;
- (c) a responsibility matrix or listing of specific emergency responsibilities of responding organizations. This matrix or listing shall be developed in coordination with the listed responding organizations;
- (d) provisions for notification to the California Emergency Management Agency of all reports received pursuant to Article 2 of this subchapter. These notifications shall be submitted, at least monthly, on forms specified by the California Emergency Management Agency; and
- (e) procedures, developed in consultation with the Local Health Officer, to ensure access to health care within 24 hours of an exposure resulting from a pesticide drift exposure incident and up to a week after the incident.

NOTE: Authority cited: Section 25503, Health and Safety Code; Section 12997.7(b)(5), Food and Agricultural Code. Reference: Section 25503, Health and Safety Code; Section 12997.7, Food and Agricultural Code.

Section 2725. Training.

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- (a) At a minimum, area plans shall establish provisions for training of emergency response personnel in the following areas:
 - (1) emergency procedures for first response to a release or threatened release of hazardous materials, to include pesticide drift exposure incidents;
 - (2) health and safety procedures for response personnel, including those procedures required by Section 2724 of this Article;
 - (3) use of emergency response equipment and supplies;
 - (4) procedures for access to mutual-aid resources;
 - (5) identification of medical facilities capable of providing treatment appropriate for hazardous material incidents, to include pesticide drift exposure incidents;
 - (6) evacuation plans and procedures;
 - (7) monitoring and decontamination procedures for emergency response personnel and equipment;
 - (8) first-aid procedures for hazardous material incidents, including pesticide exposure;
 - (9) procedures for informing the public during emergencies; and
 - (10) psychological stress that may be encountered during disaster operations.
- (b) Area plans shall include, but not be limited to:
 - (1) provisions for documenting personnel training described in subsection (a) of this section; and
 - (2) provisions for joint field or table-top exercises, with affected organizations, with voluntary participation of business representatives.

NOTE: Authority cited: Section 25503, Health and Safety Code; Section 12997.7, Food and Agricultural Code. Reference: Section 25503, Health and Safety Code, Section 12997.7, Food and Agricultural Code.

Section 2726. Public Safety and Information.

Area plans shall include, but not be limited to:

- (a) site perimeter security procedures for use during a release or threatened release of hazardous material;

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- (b) provisions for informing business personnel and the affected public of safety procedures to follow during a release or threatened release of a hazardous material;
- (c) procedures, developed in consultation with the County Agricultural Commissioner, to notify residents of a pesticide drift exposure incident and a procedure to assist in the coordination of an evacuation, if deemed necessary by the emergency response personnel;
- (d) procedures to identify all languages known to be spoken in the administering agency's county or city, as the case may be, and ensure that any individual is able to access services in their native language as required by Section 11135 of the Government Code. The area plan will outline what these services are and how they will be provided in the languages identified;
- (e) designation of responsibility for the coordinated release of safety information to the public and to the local Emergency Broadcast System;
- (f) provisions for informing medical and health facilities of the nature of the incident and the substance(s) involved in an incident; and
- (g) provisions for evacuation plans. Evacuation planning shall provide for the following elements:
 - (1) determination of the necessity for evacuation;
 - (2) centralized coordination of information with local law, fire, public health, medical, and other emergency response agencies;
 - (3) timely notification of the affected public, including release of messages prepared pursuant to subsections (e) and (f) of this section;
 - (4) properties of hazardous materials, such as quantity, concentration, vapor pressure, density, and potential health effects;
 - (5) possible release scenarios;
 - (6) facility characteristics, topography, meteorology, and demography of potentially affected areas;
 - (7) ingress and egress routes and alternatives;
 - (8) location of medical resources trained and equipped for hazardous material response;
 - (9) mass-care facilities, reception areas, and sheltering; and

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- (10) procedures for post-emergency period population recovery.

NOTE: Authority cited: Sections 25503 and 25517.5, Health and Safety Code; Section 12997.7(b)(2) and 12997.7(b)(4), Food and Agricultural Code. Reference: Section 25503, Health and Safety Code; Section 12997.7, Food and Agricultural Code.

Section 2727. Supplies and Equipment.

- (a) Area plans shall contain a listing and description of available emergency response supplies and equipment specifically designated for the potential emergencies presented by the hazardous materials which are handled within the jurisdiction of the administering agency. This information shall be presented to reflect response capability.
- (b) Area plans shall outline the provisions for regular testing, if applicable, and proper maintenance of emergency response equipment under the direct control of the county or city, as the case may be.

NOTE: Authority cited: Section 25503, Health and Safety Code. Reference: Section 25503, Health and Safety Code.

Section 2728. Incident Critique and Follow-Up.

Area plans shall describe provisions for the critique and follow-up of major incidents of a release or threatened release of hazardous material, including pesticide drift exposure incidents. The critique shall include an interagency meeting to evaluate the response, to improve future response, and to determine if any area plan revisions are required.

NOTE: Authority cited: Section 25503, Health and Safety Code; Section 12997.7, Food and Agricultural Code. Reference: Section 25503, Health and Safety Code; Section 12997.7, Food and Agricultural Code.